

Message Text

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ORIGIN L-02

INFO OCT-01 ISO-00 OES-03 ARA-06 AID-05 EB-07 OFA-01

SCA-01 H-02 INR-07 DLOS-03 PRS-01 CG-00 DOTE-00 SS-15

TRSE-00 SCS-03 NSC-05 PM-03 IO-10 /075 R

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D/LOS - MR. ESKIN

AID/GC - MR. LEVY

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R 231447Z MAY 75

FM SECSTATE WASHDC

TO AMEMBASSY MANAGUA

INFO AMEMBASSY TEGUCIGALPA

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E.O. 11652:N/A

TAGS: CPRS, NU

SUBJECT: SEIZURE OF FISHING VESSEL "SUGAR DADDY"

REF: MANAGUA 1854

1. DEPT. APPRECIATES EMB. HELP IN DEFUSING DIFFICULT SITU-
ATION REGARDING SEIZURE OF "SUGAR DADDY."

2. POINTS MADE BY PRESIDENT SOMOZA ARE WELL-TAKEN. U.S.,
OF COURSE, HAS INTERNATIONAL LAW INTEREST IN PREVENTING
EXTENSIVE CLAIMS TO JURISDICTION OVER THE OCEANS, AND IN
DISCOURAGING SEIZURE OF U.S. VESSELS AND CONFISCATION OF
U.S. PROPERTY (WHICH HAS HAPPENED IN SOME CASES) ON BASIS
OF SUCH CLAIMS. THIS IS PARTICULARLY TRUE AT PRESENT WHEN

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WE ARE INVOLVED IN LOS CONFERENCE, WHERE WE HOPE WIDESPREAD
AGREEMENT CAN BE OBTAINED ON THE ISSUE OF FISHERIES JURIS-

DICTION.

3. APPLICABLE U.S. LEGISLATION IS IN PART AIMED AT THIS INTERNATIONAL INTEREST, AND IN PART AIMED AT PROTECTING AND COMPENSATING U.S. FISHERMEN WHO ARE CAUGHT IN THE MIDST OF INTERNATIONAL DISPUTES OVER FISHERIES JURISDICTION. THUS, FMSA PROVISION DESIGNED TO DISCOURAGE SEIZURES OF U.S. FISHING VESSELS. HOWEVER, IN OUR VIEW, FMSA AND FPA DID NOT CONTEMPLATE SPECIAL FACTUAL SITUATION EVIDENCED BY THIS CASE WHERE VESSEL GAVE EVERY APPEARANCE OF BEING HONDURAN.

MOREOVER, AS EMBASSY IS AWARE, SITUATION MADE EVEN MORE DIFFICULT IN THIS CASE BY CONFLICTING REPORTS AS TO OWNERSHIP AND DOCUMENTATION RECEIVED FROM INTERESTED PARTIES IN U.S. AND ABROAD. WE DO NOT BELIEVE A SIMILAR SITUATION HAS ARISEN PREVIOUSLY. THUS, THERE IS NO PRECEDENT FOR DETERMINING APPLICABILITY OF SPECIFIC U.S. LAWS.

4. WE UNDERSTAND EASE WITH WHICH GON COULD HAVE CONCLUDED VESSEL WAS HONDURAN, AND HAD THE MATTER NOT BEEN OTHERWISE RESOLVED, THAT FACT WOULD BE A BASIC FACTOR TO BE CONSIDERED IN DETERMINING THE APPLICABILITY OF SUCH LAWS. USG DOES NOT IN ANY WAY APPROVE OF ACTIVITIES OF THIS VESSEL, AND IN FACT, ON BASIS OF FACTS AS WE KNOW THEM, VESSEL MAY HAVE VIOLATED OTHER U.S. LAWS RELATING TO FISHING VESSELS. APPROPRIATE USG AGENCIES WILL BE LOOKING FURTHER INTO SITUATION TO DETERMINE APPROPRIATE ACTION.

5. USG VERY MUCH APPRECIATES COOPERATION OF GON IN THIS MATTER. WE HOPE SIMILAR SITUATION WILL NOT ARISE IN FUTURE AND CAN ASSURE GON THAT IT IS OUR INTENTION TO TAKE A CAREFUL LOOK AT THIS PROBLEM IN ORDER TO ENSURE THAT OUR LAWS ARE NOT APPLIED IN A MANNER WHICH ENCOURAGES ACTIVITIES SUCH AS THOSE UNDERTAKEN BY THIS VESSEL. INGERSOLL

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